

**GOVERNMENT OF ANDHRA PRADESH
ABSTRACT**

Land Acquisition – General- Guntur Mandal- Nallapadu Village- S.No.190, 191 etc. to an extent of Ac.8.77 cents acquired in award No.26/87 dated:27.03.1987 of conversion of M.G line to B.G line from Guntur to Macherla- Civil Court enhanced the land value- decree holders filed E.P- Amount deposited as per the orders of Civil Court – Further E.P.No.167/87 in LAOP No.429/87 and E.No.168/97 in LAOP No.430/87, dated:17.09.2011 on the file of IV Additional Senior Civil Judge, Guntur- Payment of decretal charges – Orders – Issued.

TRANSPORT, ROADS & BUILDINGS (SER.IV) DEPARTMENT

G.O.Rt.No. 1213

Dated: 13.10.2012.

Read the following:-

1. From the Collector and District Magistrate, Guntur, Letter Rc.No.4060/96-G1, dated: 13.06.2012.

ORDER:-

The Collector & District Magistrate, Guntur has stated that an extent of Ac.8.77 cents in S.No.190 etc. of Nallapadu Village of Guntur Mandal was acquired in Award No.26/87, dated:27.03.1987 by the then Special Tahsildar, B.G line, Guntur for conversion of M.G. Line to B.G line, and awarding an amount of Rs.1,30,680/- per acre along with other benefits. The awardees received the compensation under protest and their claims were sent to Civil Court u/s 18 for adjudication of Market value.

2. The Principal Senior Civil Judge, Guntur enhanced the compensation from Rs.1,30,680/- to Rs.2,90,400/- per acre including the Statutory benefits under the Amendment Act in LAOP No.428 to 43/87. Appeals were filed before the Hon'ble High Court of A.P., Hyderabad and the Hon'ble High Court dismissed the appeal Nos.1260/87, 1588/87, 1592/87 and 556/98, dated: 25.01.2000. After observing the orders of the Lower Court is quite correct and it does not call for any interference of the Court. An appeal was preferred against the prohibitory orders passed by the Addl. Senior Civil Judge, Guntur. The High Court while admitting the CRPs granted interim stay orders in all the revision petitions on condition of depositing half of the decretal amount within 8 weeks from the date of order. The first half of the decretal amount of Rs.23,62,732/- was deposited on 07.05.2003 and the second half of the decretal amount of Rs.23,62,732/- was deposited on 19.01.2004 against OP Nos. 428 to 434/87.

3. The collector, Guntur has further stated that the Hon'ble High Court confirmed the lower court order in first appeal No.221 of 1997 and 222/97, dated: 27.04.2004 in LAOP No.428 to 431 of 87. In respect of OP No.432/87 and 438/87, the Hon'ble High Court in first appeal Nos.224/87 and 221/97 dated: 27.04.2004 has ordered to pay interest on 30% solatium to the claimants. Accordingly, proposals for release of decretal charge were submitted to the Government in T, R&B Department, A.P., Hyderabad through this office Rc.No.4060/96-G1,

:2:

dated:20.10.2011.The decretal charges in respect of LAOP No.429 of 87 was deposited in two installments and in LAOP No.430 of 87 in three installments as detailed below.

Sl.N	O.P.No	Date of deposit	Amount in Rs.
1	429/87	1 st installment on 17.05.2003	4,91,159/-
		2 nd installment on 19.01.2004	4,91,159/-
2	430/87	1 st installment on 17.05.2003	2,16,102/-
		2 nd installment on 19.01.2004	2,16,102/-
		3 rd installment on 16.09.2008	2,71,108/-

4. The claimants in LAOP No.429 and 430 of 87 filed E.Ps (Nos.167/97 and 168/97 respectively) before the Civil Court for claiming interest on Solatium and 12% additional market value on the enhanced land value i.e 9% and 15% on total compensation (Market value +12% Additional Market Value+ solatium and solatium at 30% on M.V and Additional Market Value).The IV Additional Senior Civil Judge, Guntur issued orders in E.P.No.167/97 in LAOP No.429/87 and E.P.No.168/97 in LAOP No.430/87 dated:17.09.2011.

5. As per the judgment in the above two E.Ps, the following decretal charges have to be deposited working out interest at 15% upto 18.04.2012.

Sl.No	O.P.No	E.P.No	Amount in Rs.
1	429/87	167/97	11,23,458-74
2	430/87	168/97	2,20,364-78
Total			13,43,823-52

6. The Collector & District Magistrate, Guntur has stated that the Revenue Divisional Officer, Guntur has prepared the calculation sheets in LAOP No.429 and 430 of 1987 by calculating the interest up to 18.04.2012 as per the orders of the IV Additional Senior Civil Judge, Guntur in E.P.No.167 and 168 of 97 dated: 17.09.2011 for release of an amount of Rs.13,43,823-52 which has to be deposited in the Court of Civil Judge, Guntur.

7. The Collector has further stated that the Calculation sheets submitted by the Revenue Divisional Officer, Guntur have been verified and found correct and the calculations are made according to the orders of the Civil Court in E.P.No.167 and 168 of 97 in LAOP No.429 and 430 of 87 dated:17.08.2011. Therefore, the Collector has requested to release an amount of Rs. 13,43,823/- towards the decretal charges for the LAOP Nos.429/87 and 430/87, dated:17.08.2011.

8. Government, after careful examination of the matter, hereby accord sanction for an amount of Rs. 13,43,823/- (Rupees Thirteen lakhs Forty three thousand Eight hundred twenty three only) towards the decretal charges as per the orders in LAOP Nos.429/87 and 430/87, dated:17.08.2011.

:3:

9. The expenditure sanctioned in Para 8 on prepage, shall be debited to **"5054 - Capital Outlay on R&B, 80- General, MH 800 - Other Expenditure, G.H (11) - Normal State Plan, S.H (04) - Construction of Roads and Bridges under Railway Safety Works, 530- Major Works, 532 - Lands (Charged)"** and shall be met initially as an advance from Contingency Fund, orders regarding which will be issued by Finance (BG) Department separately.

10. The Engineer-in-Chief, R&B (NH, Admn.) Hyderabad is requested to take necessary further action accordingly in the matter.

11. The Engineer-in-Chief, R&B (NH, Admn.) Hyderabad is requested to take action for obtaining supplementary grant at appropriate time during 2012-13 towards recoupment of the advance drawn from contingency Fund.

12. This order issues with the concurrence of Finance Department vide their U.O.No.25130/1137/A2/Expr.PW/12, dated:3/10/2012.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

D.LAKSHMI PARTHASARATHY
PRINCIPAL SECRETARY TO GOVERNMENT

To

The District Collector, Guntur.

The Principal Accountant General (A&E), A.P., Hyderabad

The Director of Treasuries & Accounts, Hyderabad

The Director of Works Accounts, Hyderabad.

Copy to:

Chief Commissioner of Land Administration, A.P., Hyderabad.

Engineer in Chief, R&B (NH, Admn.), Hyderabad.

The District Treasury Officer, Guntur.

The Revenue Divisional Officer, Guntur.

The Finance (Expr.PW) Department/Finance (BGI) Dept.

Sf/Sc.

// FORWARDED BY ORDER //

SECTION OFFICER